

### **REMARKS**

Claims 21-29, 31-32 and 35-36 are pending in the application. By this paper, claims 21 and 29 have been amended and claims 30 and 33-34 have been cancelled. No new matter is added by this amendment. Reconsideration and allowance of claims 21-29, 31-32 and 35-36 are respectfully requested.

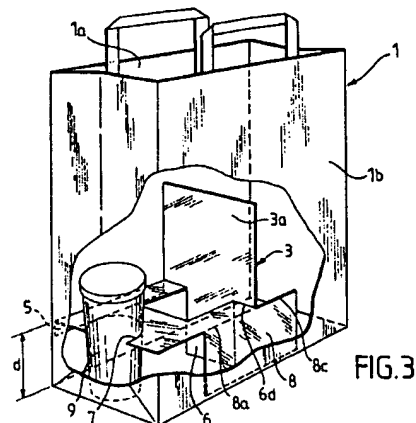
#### **Prior Art Rejections**

##### **Claims 21, 23-24 and 27-28**

Claims 21, 23-24 and 27-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,806,981 to Schisler ("Schisler"). According to the Office Action, Schisler discloses each and every element of claims 21, 23-24 and 27-28.

Claim 21 recites a substance container "wherein the front panel includes an aperture for accommodating a dispensing assembly." In the recited container, a cavity is "accessible from an opening in the front panel, wherein the opening of the cavity is located below the aperture when the body is positioned upright." Also, "the cavity is capable of accommodating at least a portion of a cup."

Schisler discloses a carrying bag of the foldable type, comprises a separator plate 3, as shown in Fig. 3 below. The separator plate 3 has at least one opening 7 adapted to receive a cup.



Schisler does not disclose the recited substance container of claim 21 as amended, e.g., an "opening" that is located below the aperture when the body is positioned upright. Thus, Schisler does not disclose each and every element of claim 21 nor anticipates claim 21.

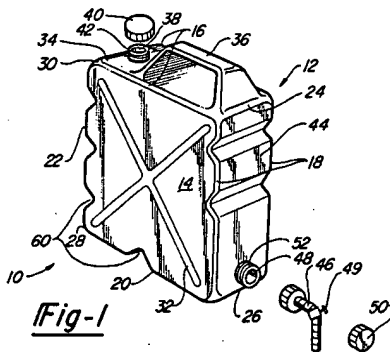
Claims 23-24 and 27-28 depend from claim 21 and therefore include all of the features of claim 21 plus additional features. Schisler does not anticipate claims 23-24 and 27-28 for at least reasons described above. Reconsideration and withdrawal of the rejections to claims 21, 23-24 and 27-28 are respectfully requested.

### **Claims 29-31, 33**

Claims 29-31 and 33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,781,314 to Schoonover et al. ("Schoonover").

Claim 29 recites a container "wherein a first aperture is located in the front panel and accommodates a dispensing assembly" and "wherein an opening of the cavity is located below the first aperture when the body is positioned upright." Also, the cavity "can accommodate at least a portion of a cup."

Schoonover discloses a fluid container that has a housing 12 arranged in a box-like fashion, as shown in Fig. 1 below. A carrying handle 36 is attached to a top wall 34. A second opening 48 is formed on a second top wall 44.



Schoonover does not disclose the recited container of claim 29 as amended, e.g., "a first aperture" located in the front panel and that accommodates a dispensing assembly, a cavity that is "located below the first aperture when the body is positioned upright," and the cavity that "can accommodate at least a portion of a cup." Schoonover does not disclose each and every element of claim 29. Thus, Schoonover does not anticipate claim 29.

Claim 33 has been cancelled. Claims 30-31 depend from claim 29 and include all of the features of claim 29 plus additional features. Schoonover does not anticipate claims 30-31 for at

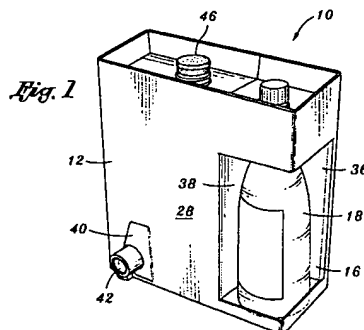
least reasons described above. Reconsideration and withdrawal of the rejections to claims 29-31 are respectfully requested.

**Claims 29-31, 33 and 34**

Claims 29-31, 33 and 34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,439,757 to Lloyd ("Lloyd").

Claim 29 recites a container "wherein a first aperture is located in the front panel and accommodates a dispensing assembly" and "wherein an opening of the cavity is located below the first aperture when the body is positioned upright." Also, the cavity "can accommodate at least a portion of a cup."

Lloyd discloses a portable beverage delivery system 10 having a housing 12 with a mixing chamber 14, as shown in Fig. 1.



Lloyd does not disclose all of the recited container of claim 29. In particular, Lloyd does not disclose the recited features, e.g. "a first aperture" located in the front panel and that accommodates a dispensing assembly, an opening of the cavity that is "located below the first aperture when the body is positioned upright," and the cavity that "can accommodate at least a portion of a cup." Lloyd does not disclose each and every element of claim 29 nor anticipates claim 29.

Claims 33 and 34 have been cancelled. Claims 30-31 depend from claim 29 and include all of the features of claim 29 plus additional features. Lloyd does not anticipate claims 30-31 for at least reasons described above. Reconsideration and withdrawal of the rejections to claims 29-31 are respectfully requested.

### **Claims 22, 25 and 26**

Claims 22, 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schisler in view of U.S. Patent No. 5,830,548 to Andersen et al. (“Anderson”). The Office Action asserts that it would have been obvious to provide sidewalls and the body of Schisler with a double panel thickness and corrugation as taught by Anderson, to reduce weight and increase stiffness of the bag.

Anderson discloses a corrugated sheet. Anderson does not disclose the recited features of claim 21, e.g., an “opening” that is located below the aperture when the body is positioned upright.

Neither Schisler nor Anderson teaches or suggests the recited substance container of claim 21. Claims 22, 25 and 26 depend from claim 21 and include all of the features of claim 21 plus additional features. Reconsideration and withdrawal of the rejections to claims 22, 25 and 26 are respectfully requested.

### **Claim 32**

Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schoonover in view of U.S. Patent No. 5,746,350 to Nishigami et al. (“Nishigami”). The Office Action asserts that it would have been obvious to provide pump of Nishigami as a dispensing assembly for Schoonover, to dispense a metered dose.

Nishigami discloses a pump device for a container. Nishigami does not disclose the recited features of claim 29, e.g., “a first aperture” located in the front panel and that accommodates a dispensing assembly and a cavity that is “located below the first aperture when the body is positioned upright.”

Neither Nishigami nor Schoonover teaches or suggests the recited substance container of claim 29. Claim 32 indirectly depends from claim 29 and includes all of the features of claim 29 plus additional features. Reconsideration and withdrawal of the rejection to claim 32 are respectfully requested.

### **Claim 32**

Claim 32 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lloyd in view of Nishigami. The Office Action asserts that it would have been obvious to provide pump of Nishigami as a dispensing assembly for Lloyd, to dispense a metered dose.

As described above, neither Nishigami nor Lloyd teaches or suggests the recited substance container of claim 29. Claim 32 indirectly depends from claim 29 and includes all of the features of claim 29 plus additional features. Reconsideration and withdrawal of the rejection to claim 32 are respectfully requested.

### **Claims 35 and 36**

Claims 35 and 36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lloyd in view of Anderson. The Office Action asserts that it would have been obvious to provide sidewalls and body of Lloyd with double panel thickness and corrugation as taught by Anderson, to reduce weight and increase stiffness of bag (Anderson, column 61, lines 39-48).

As described above, none of Lloyd and Anderson teaches or suggests the recited substance container of claim 29. Claims 35 and 36 directly or indirectly depend from claim 29 and include all of the features of claim 29 plus additional features. Reconsideration and withdrawal of the rejections to claims 35 and 36 are respectfully requested.

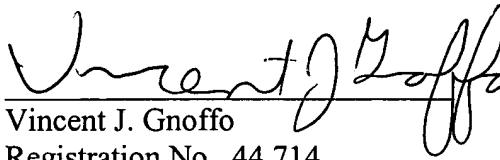
### **OBVIOUSNESS-TYPE DOUBLE PATENTING**

Claims 21-26 and 28 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 5-9 of U.S. Patent No. 6,736,289 in view of U.S. Patent No. 4,673,125 to Weaver. Claim 27 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,736,289 in view of Weaver and further in view of Schisler. Applicants submit a terminal disclaimer under 37 CFR §1.321(c). Withdrawal of the obviousness-type double patenting rejection and provisional rejection is respectfully requested.

Application no. 10/804,466  
Amendment dated: September 7, 2005  
Reply to office action dated: June 7, 2005

For all of the above reasons, Applicant respectfully requests reconsideration and allowance of the present application. The Examiner is invited to contact the undersigned attorney at the below-listed number if there are any outstanding issues that could be resolved through a telephone conference.

Respectfully submitted,



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